

Intentional Misrepresentations Insufficient to Invalidate Coastal Development Permit Where They Did Not Affect the Coastal Commission's Decision

The court of appeal rejected a claim that a Coastal Development Permit should be invalidated because it was based on intentional misrepresentations, finding that even if accurate and complete information had been submitted, this would not have caused the Coastal Commission to deny the application or require additional or different conditions. *Hubbard v. California Coastal Commission*, 38 Cal. App. 5th 199 (2019). The Coastal Commission granted a CDP for the reconstruction of an equestrian facility following a fire. Plaintiffs sought to revoke the CDP on the ground that the applicant intentionally misrepresented on its CDP application that it had received necessary minimum approvals for the development from other state agencies.



On

appeal, plaintiffs relied on Section 13105(a) of the California Code of Regulations, which provides for revocation of a permit based on "[i]ntentional inclusion of inaccurate, erroneous or incomplete information in connection with [the] application, where the [C]ommission finds that accurate and complete information would have caused the [C]ommission to require additional or different conditions on a permit or deny an application." The appellate court concluded, based on the record, that although the CDP application had contained intentional misrepresentations regarding approvals by other agencies, these had not been material to the Coastal Commission's decision. Thus, in accordance with section 13105(a), the permit was not revocable based on the intentional misrepresentations because the Coastal Commission would have reached the same decision and included the same conditions had accurate and complete information regarding the other state approvals been included in the application.

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